

BY MAIL

BARRETT C. SWAN,

Defendant,

V.

UNITED STATES OF AMERICA,

Plaintiff.

No. 1:21-CV-0142-SNLJ

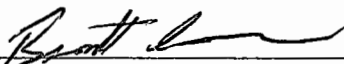
The government then filed for extensions of time a total of four times, and each in turn were granted. Docs. 3 – 11. The government, at least, filed their response on March 21, 2022. That document was delivered to me on March 25, 2021 at the prison I am incarcerated within: U.S. Penitentiary, Marion.

The CMO filed by this Court on September 28, 2021 [Doc. 2] specified a 45-day time frame for which the government was required to reply. However, this CMO did not contain any order defining a time frame for which I was able to file a reply to the government's response.

The Local Rules of the Eastern District of Missouri defers specification of deadlines for Track 4, Administrative cases to the Court's CMO. See Local Rule 5.01. Under the Rules Governing Section 2255 Proceedings for the United States District Court, Rule 5(d) assigns responsibility of defining a deadline to file a reply to response to the Court: "(d) **Reply.** The moving party may submit a reply to the respondent's answer or other pleading within a time fixed by the judge." *Id.*

I do not assume that I will have a similar 45-day deadline to file a reply brief, nor do I assume that this Court gives me leave to file such a brief at all. Because no such allowance was made in the CMO, I ask that this Court grant me leave to reply, and for ample time to do so. I request the deadline for which to file that reply be made (and/or extended if I have somehow missed where that deadline was defined) on or before **June 1, 2022**.

Signed this 8 day of April, 2022.



BARRETT C. SWAN #32540-044
Marion USP
United States Penitentiary
P.O. Box 1000
Marion, Illinois 62959
Defendant/Petitioner in *Pro Se*

CERTIFICATE OF SERVICE

With my signature above, I attest that I have sent a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE A REPLY TO GOVERNMENT RESPONSE** to the Clerk of the U.S. District Court and to the representative of the government by placing them in the inmate mail system on the signature date reflected above.

Service was made via U.S. Postal Mail using the addresses below:



Jonathan A. Clow
Office of the U.S. Attorney
111 S. 10th Street
20th Floor
St. Louis, MO 63102

Clerk of the U.S. District Court
Eastern District of Missouri – STL
111 South 10th Street
Suite 3.300
St. Louis, MO 63102

Barrett Swan #32540-044
USP Marion
U.S. PENITENTIARY
P.O. BOX 1000
MARION, IL 62959

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Clerk of the U.S. District Court
Eastern District of Missouri – STL
111 South 10th Street
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